

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 J&R DOOLEY SHELLFISH, LLC,

9 Plaintiff,

10 v.

11 JASON KING,

12 Defendant.

C17-672 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's motion for service by publication, docket no. 6 is DENIED
16 without prejudice. Federal Rule of Civil Procedure 4(e)(1) permits parties to serve
17 summons by, among other methods, "following state law for serving a summons in an
18 action brought in courts of general jurisdiction in the state where the district court is
19 located or where service is made." RCW 4.28.100 permits service by publication where
20 the defendant cannot be found in the state, provided that certain other statutory
21 requirements are met. RCW 4.28.100. A party seeking to serve via publication must
22 strictly comply with the requirements of RCW 4.28.100, *Longview Fibre Co. v. Stokes*,
23 52 Wn. App. 241, 243-44 (1988), and must show that "due diligence" was used to locate
the defendant for service of process by "honest and reasonable efforts" before service by
publication is authorized, *Carson v. Northstar Dev. Co.*, 62 Wn. App. 310, 315 (1991).
Here, plaintiff has failed to strictly comply with the RCW 4.28.100 because the affidavit
from the process server who attempted service does not aver facts demonstrating that all
of the criteria of RCW 4.28.100 have been satisfied. Furthermore, it appears that plaintiff
has taken no other steps to locate the defendant other than a single attempt to serve him at
the address listed on the Notice of Claim of Lien. The Court is not satisfied that this

1 single attempt to effect service constitutes “due diligence” sufficient to allow service by
2 publication.

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
4 record.

5 Dated this 8th day of June, 2017.

6 William M. McCool
7 Clerk

8 s/Karen Dews
9 Deputy Clerk